

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4, 7, 8 and 10-22 are pending. Claims 5-6, 9, and 23-24 have been canceled without prejudice and disclaimer of subject matter. Claim 1 and 14, which are independent, are amended in this paper. Support for this amendment is provided throughout the Specification as originally filed, specifically at page 34, lines 24-30.

No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. SUPPORT FOR THIS AMENDMENT

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, support of the amendment can be found at page 34, lines 24-30 of the Specification, which is reproduced as follows:

Page 34, lines 24-30, Next, the information stored in the knowledge database
323 where the shapes of faces, hands, and outerwear are beforehand recorded is

actively utilized by the candidate object detecting section 324, and objects such as those faces, hands, and outerwear are detected in the image signal which is composed of the feature pints. For example, **objects such as the face, the hands and the outerwear are detected in the image as shown in Fig. 7.**

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-4, 7, 8, 12-19, and 22 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,072,856 to Nachom (“Nachom”) in view of U.S. Reissued Patent RE39,898 to Nally et al. (hereinafter, merely “Nally”).

Claims 10, 11, 20, and 21 were rejected under 35 U.S.C. §103(a) over Nachom in view of Nally and further in view of U.S. Patent No. 5,721,827 to Logan et al. (hereinafter merely “Logan”).

IV. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

...extracting at least a position of the first user's face as feature points from the first image data according to luminance and color of the first image data. (emphasis added)

Applicants respectfully submit that Nachom, Nally, an Logan, taken either alone or in combination, fail to disclose or render predictable the above-identified features of claim 1. Specifically, nothing is found that discloses or render predictable **“extracting at least a position of the first user's face as feature points from the first image data according to luminance and color of the first image data,”** as recited in claim 1.

Therefore, for at least the above discussed reasons, claim 1 is patentable.

As claim 14 is similar, or somewhat similar, in scope to claim 1, claim 14 is patentable for similar, or somewhat similar, reasons.

As nothing in the references cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections.

V. DEPENDENT CLAIMS

As the other claims are each dependent from one of the independent claims discussed above, they are also patentable for at least the same reasons. As nothing in the references cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

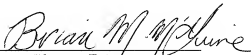
CONCLUSION

Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, and these reasons are fully responsive to every ground of objection and rejection in the prior Office Action and presents arguments pointing out the specific distinctions believed to render the claims patentable over any applied references. See 37 CFR 1.111(b). Thus in the interests of brevity and compact prosecution, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments, as well as the right to present arguments related thereto.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
Thomas F. Presson
Reg. No. 41,442
Brian M. McGuire
Reg. No. 55,445
(212) 588-0800n